

KEITH A. BOTTERUD

JANUARY 31, 1956.—Committed to the Committee of the Whole House and ordered to be printed

Mr. LANE, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H. R. 5284]

The Committee on the Judiciary, to whom was referred the bill (H. R. 5284) for the relief of Keith A. Botterud, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the proposed legislation is to pay the sum of \$1,649.94 to Keith A. Botterud, of Silver Spring, Md., in full settlement of all claims against the United States as reimbursement for travel and transportation expenses of his family, household goods, and personal effects, while a civilian employee of the Post Office Department, while on duty under official travel orders dated June 2, 1954, which specified that such travel and transportation expenses would be paid by the Government.

STATEMENT OF FACTS

In report from the Post Office Department dated July 25, 1955, it gives in full detail information and the history of the proposed legislation and has no objection to the enactment of this bill. Therefore, your committee concurs in the recommendation of the Post Office Department. The report is as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington D. C., July 25, 1955.

Hon EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request for a report on H. R. 5284, a bill for the relief of Keith A. Botterud.

This measure would appropriate the sum of \$1,649.94 out of the Treasury to reimburse Keith A. Botterud for the expenses incurred by him for the travel and transportation of his immediate family, and personal effects, from Washington, D. C., to Portland, Ore.

The files indicate that Mr. Botterud left the service of Congressman W. A. D'Ewart, Second District, Montana, to accept appointment with the Post Office Department on May 17, 1954. It further appears that at the time Mr. Botterud's appointment to a position in the postal service was under consideration it was the understanding of all concerned that the travel expenses and cost of transporting his household goods from Washington, D. C., to his station at Portland, Oreg., could be paid by the Government. However, the General Accounting Office disallowed this claim after Mr. Botterud had completed the travel and incurred the expense of transportation for his family and household goods.

Due to the personal hardship resulting from the disallowance of this claim by the General Accounting Office, and since the enactment of H. R. 5284 will enable Mr. Botterud to be reimbursed for the expenses incurred in this case, this Department will interpose no objections to the enactment of H. R. 5284.

The Bureau of the Budget has advised that there would be no objection to the submission of this report to the committee.

Sincerely yours,

A. C. Cook, Jr.,
Acting Postmaster General.

WASHINGTON, D. C., March 16, 1955.

HON. ORVIN B. FJARE,
Member of Congress, House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN FJARE: Attached is a draft of a private bill for the relief of Keith A. Botterud, a Montanan who was formerly employed by your predecessor Mr. D'Ewart.

Mr. Botterud was employed by the Post Office Department, beginning May 17, 1954. On June 2, 1954, he received travel orders (attachment 1) directing him to go to Portland, Oreg., to take up his duties as assistant to the regional operations manager. You will note that these travel orders state: "The expenses of travel, including a per diem allowance of \$9 while en route, transportation expenses of immediate family, household goods and personal effects, will be paid by the Government." Pursuant to these orders, Mr. Botterud took his family and shipped his household effects to Portland.

Attachment 2 is a receipt from the Allied Van Lines showing payment of \$1,439.90 for transfer of Mr. Botterud's household effects.

Attachment 3 is a travel voucher form itemizing Mr. Botterud's expenses in connection with travel and transportation of his household effects, showing a total expenditure of \$1,649.94.

After Mr. Botterud arrived in Portland, Oreg., he filed a claim (attachment 3), but the Post Office Department stated that it could not pay the claim because of a technical interpretation of a General Accounting Office regulation.

Attachment 4 is a letter addressed to Mr. Botterud by Mr. A. E. Weatherbee, the Executive Director of the Bureau of Personnel of the Post Office Department. The italicized sentence on the first page states that the Government had assured Mr. Botterud that there had been an understanding between them that the Government would pay all expenses connected with travel and transportation of household goods between Washington, D. C., and Portland, Oreg. This attachment also describes in some detail the subsequent developments which made it impossible for the Post Office Department to carry out its bargain.

Attachment 5 is a letter addressed to the General Accounting Office by Mr. Weatherbee, of the Post Office Department, in which he urges the General Accounting Office to permit payment of Mr. Botterud's claim in order to avoid severe hardship.

Attachment 6 is a memorandum from Mr. Weatherbee to Mr. Botterud after General Accounting Office had disallowed Mr. Botterud's claim. You will note that it urges Mr. Botterud to seek relief through a private claims bill in Congress. The Post Office Department has indicated that it will give a favorable report on a private claims bill introduced for the relief of Mr. Botterud.

Yours truly,

DONALD MONTGOMERY,
Attorney at Law.

[Attachment No. 1]

POST OFFICE DEPARTMENT,
ASSISTANT POSTMASTER GENERAL,
BUREAU OF POST OFFICE OPERATIONS,
Washington, D. C., June 2, 1954.

TRAVEL ORDERS

(Order No. 835)

Effective June 10, 1954, Keith A. Botterud will be transferred from the position of administrative officer, Bureau of Post Office Operations, Washington, D. C., to the position of administrative officer, Bureau of Post Office Operations, assistant to the regional operations manager, Portland, Oreg., regional office. This transfer of personnel, involving permanent change in official station, is in the interest of the Government and not primarily for the convenience or at the request of the employee. The expenses of travel, including a per diem allowance of \$9 while en route, transportation expenses of immediate family, household goods, and personal effects, will be paid by the Government in accordance with the provisions of the Standardized Government Travel Regulations, the act of August 2, 1946 (Public Law 600), Executive Order 9805, as amended, and General Regulation No. 88, second revision, dated November 7, 1950, of the General Accounting Office.

The travel herein authorized may be by railroad, bus, aircraft, or privately owned automobile. Allowance of 7 cents per mile is authorized when privately owned automobile is used.

These expenses will be charged to the appropriation "1840210 General Administration 203, Salaries and travel, Regional Offices, 1954."

(Signed) N. R. ABRAMS,
Assistant Postmaster General.

[Attachment No. 2]

No. 546803

ALLIED VAN LINES, INC., I. C. C.—MC 15735

STANDARD HOUSEHOLD GOODS BILL OF LADING AND FREIGHT BILL

Issued by Security, Washington, D. C.; date loaded, June 7, 1954; A. V. L. Van No. 2406 A; registration No. N-08085

Ship household goods described below from—

Shipper, Keith Botterud.

Origin, Arlington, Va.

Street address, 4848 South 28th Street.

Phone, KI 8-1747.

For transportation and delivery to—

Consignee, Keith Botterud.

Destination, Portland, Oreg.

Street address, care of C. M. Olsen Transfer & Storage Co.

Delivered July 8, 1954, to 1800 Northeast 67th Avenue.

Subject to the following conditions:

1. Rates, rules, and regulations in Allied Van tariff 48 C, section 2, in effect on date hereof.
2. Charges payable in cash, money order, or certified check on delivery.
3. Shipper declares value of entire shipment to be \$5,000 and releases and limits value and liability as provided in section 1 of contract terms on reverse side hereof.

(Notice: Unless a greater value is declared, liability is limited to 30 cents per pound of and for each article lost or damaged)

4. Store shipment at Olsen Transfer & Storage Co. warehouse at Portland, Oreg.

5. All terms printed or stamped hereon or on the reverse side of the original bill of lading.

SHIPPER'S SIGNATURE

I hereby make foregoing declaration and release of value and agree to foregoing contract, terms, and conditions.

(Signed) Mrs. K. A. BOTTERUD.

ALLIED SERVICING AGENTS

Booker, Security, Washington, D. C.
 Origin, Security, Washington, D. C.
 Destination, C. M. Olsen Transfer, Portland.
 Packed by Security, Washington, D. C.
 Unpacked by Olsen Transfer & Storage Co.
 Wardrobe by Security, Washington, D. C.
 Hauler, Crone, Seattle.

WEIGHMASTERS' CERTIFICATES

Gross weight, 33,390 pounds.
 Scales owned by Newbills.
 Located at 1943 New York Avenue NE., Washington, D. C.
 Tare weight, 27,390 pounds.
 Signed [Same]
 Scales owned by [Same]
 Located at [Same]
 In city of [Same]

Foregoing shipment received on above date subject to above declaration release, terms, and conditions.

ALLIED VAN LINES, INC.

Net weight, 6,000 pounds.	
Mileage: straight shipments, 2,887 miles, at \$18.65	\$1,119.00
Due Olsen Transfer & Storage Co	90.00
Total	1,209.00
Federal transportation tax	36.27
9 barrels, at \$7	63.00
16 cartons, not over 3 cubic feet, at \$2	32.00
8 over 3 cubic feet, not over 6 cubic feet, at \$2.75	22.00
1 over 12 cubic feet, including wardrobe cartons	5.00
1 mattress carton	3.00
1½ hours extra labor, at \$3.25 per hour	4.88
Total packing charges	129.88
Due Olsen Transfer & Storage Co	30.00
Declared value protection per \$100, at 50 cents	25.00
Other charges: due Olsen Transfer & Storage Co. account, ware-house labor	9.75
Total	64.75
Total charges	1,439.90

[Attachment No. 3]

TRAVEL VOUCHER

United States Post Office Department.

Payee's name: Keith A. Botterud.

Mailing address: 1800 Northeast 67th Avenue, Portland, Oreg.

Official duty station: Portland, Oreg.

Travel and other expenses in the discharge of official duty from June 9, 1954, to June 19, 1954, under authority No. 835, dated June 2, 1954, copy of which is attached, or has been previously furnished. I have a travel advance of \$300, to which \$300 of this voucher should be applied.

MEMORANDUM

Assistant to regional operations manager, Portland regional office.

Amount claimed, \$1,649.94.

SCHEDULE OF EXPENSES AND AMOUNTS CLAIMED

1. Departed from official duty station ----- (Date) ----- (Hour) -----
 2. Temporary duty station on last day of next preceding voucher period was -----; date of arrival at such temporary duty station -----.

(Fill in 1 and 2 above only when dates are prior to period covered by this voucher)

Date, 1954	Description (Include all information required by current regulations; if speedometer readings are used to compute distances, show beginning and ending readings in this column)	Number of miles (7 cents per mile)	Amount claimed		
			Mileage	Subsistence	Other
June 9-----	Left Washington, D. C., via privately owned auto, 11 a. m. eastern daylight time, accompanied by Mrs. K. A. Botterud: Toll on Pennsylvania Turnpike. do				\$0.75
June 10-----	Arrived Portland, Oreg., 12 noon.				1.25
June 18-----	Per diem; 37 periods, at \$2.25.	2,887	\$202.09	\$83.25	
June 7-----	Transportation charges incident to moving household effects from Washington, D. C., to Portland, Oreg.: Travel incident to a change in my official duty station. The official mileage is 2,887 miles: 6,000 pounds, at \$20.71 per hundredweight. Storage charges: 6,000 pounds, at \$2 per hundredweight.				1,242.60
					120.00
	Grand total to face of voucher (subtotals, to be carried forward if necessary) \$1,649.94.		202.09	83.25	1,364.60

The members of my family are Mrs. Keith A. Botterud, an infant daughter, and myself.

Attached is receipted bill of lading from the Allied Van Lines, Inc.

I certify that the household goods transported are my property and do not include wines, liquors, birds, animals, automobiles, or goods purchased en route.

[Attachment No. 4]

POST OFFICE DEPARTMENT,
 ASSISTANT POSTMASTER GENERAL,
 Washington, D. C., July 7, 1954.

Mr. KEITH A. BOTTERUD,
 Administrative Officer, United States Post Office,
 Portland, Oreg.

DEAR MR. BOTTERUD: I have your letter of June 25. I appreciate your concern and apologize for not having written to you personally in view of the circumstances. The fact of the matter is I was out of town June 17-22 and had only time to get word to Mr. Beary to write you so you would get some word as soon as possible.

Despite your letter, I am sure you understand that I did not change the Post Office Department's mind about anything. I certainly did what I could properly do and then reported the Department's decision. The entire matter was discussed thoroughly with Assistant Postmaster General Lyons, our Controller's staff, and our legal staff and we certainly would have worked out anything possible which was proper and legal.

For your information, this is what happened. First you will recall your several interviews with departmental officials in which the assignment in Portland was discussed and after which an offer of the position was made. The household goods question certainly did come up before you accepted and assurances were given that the transfer would be at Government expense since the entire trans-

action appeared to be in the Government's interest and you were understood to be working for the Government. As you know, the papers which were issued were intended to carry out all understandings reached, your duty station being shown as Washington, D. C., and the movement of your household goods and travel being authorized.

Several facts then developed as the paper-mill started grinding. First, you had signed investigation forms stating Portland as your first duty station whereas signed personnel forms indicated Washington, D. C.; second, you were not working for the Government in the technical sense and were in the personal employ of the Congressman; third, a Comptroller General decision had previously interpreted the law to exclude coverage of Senators, Congressmen, and officers or employees of the House and Senate; fourth, a Comptroller General Decision B-112563 (32CG537) had recently been issued directly aimed at this situation with which we are concerned. It read as follows:

"(B-112563) TRAVEL AND TRANSPORTATION EXPENSES—FIRST DUTY STATION AFTER TRAINING PERIOD AT PLACE OF APPOINTMENT

"In view of the established rule that an employee, upon appointment to the Government service must bear the expense of reporting to the place at which his duty is to be performed, an employee who is appointed in Washington to a position in the field and who is required to remain in Washington for a period of indoctrination may not be allowed traveling expenses or the cost of transporting dependents and household effects to the field station, even though travel orders were issued authorizing travel and transportation at Government expense."

As a consequence, our Controller advised our action was not appropriate, the decision to amend the original appointment papers had to be made, and we had to consider what corrective action if any might be initiated.

A check was made with the legal staff and we were advised that the only means of reimbursement under the circumstances would be a private relief bill. Frankly, I don't know how practical this suggestion is because I doubt if Congress would act favorably at this time.

I am extremely sorry about the difficulties all this has caused for you. It is quite clear now that we could not possibly have paid this bill. Perhaps, as a result of what has happened, it can be paid now, whereas it couldn't otherwise. In any event, we will be prepared to endorse an appropriate statement relating to the good faith with which you accepted the position in Portland based on understanding concerning reimbursement.

Sincerely,

A. E. WEATHERBEE,
Executive Director.

[Attachment No. 5]

SEPTEMBER 2, 1954.

GENERAL ACCOUNTING OFFICE,
Washington, D. C.

(Attention: Claims Division.)

GENTLEMEN: The attached letter of individual claim for reimbursement, with enclosed vouchers and other documents, is forwarded for your attention. The claimant, Mr. Keith A. Botterud, is a schedule A employee of the Post Office Department with duty station in Portland, Ore.

The statements made by Mr. Botterud are true to my best knowledge and belief. His assertion is correct that he was encouraged to believe that his transportation and travel expenses from Washington, D. C., could and would be paid by the Government. The fact that Mr. Botterud had not been reimbursed for these expenses is attributable to subsequent information concerning his employment status just prior to appointment with the Post Office Department, and to a somewhat different interpretation of the applicable decisions of the Comptroller General.

It is believed that a severe hardship has been caused Mr. Botterud by reason of his having to defray this considerable expense which he unwittingly assumed. Your sympathetic consideration of his claim will be appreciated.

Sincerely yours,

A. W. WEATHERBEE,
Executive Director.

[Attachment No. 6]

OFFICE MEMORANDUM, POST OFFICE DEPARTMENT

NOVEMBER 23, 1954.

Mr. KEITH A. BOTTERUD,
*Assistant to the Manager, Post Office Department,
Main Post Office Building, Portland, Oreg.:*

I have just been advised by copy of a settlement certificate, dated November 16, 1954, from the General Accounting Office to you that the claim made for reimbursement of travel and transportation expenses has been disallowed.

Naturally I regret very much the decision. I do not know what we can do at this point. I suppose the only alternative left is to try to get a relief bill through Congress. This should be initiated by you in any manner which is available to you.

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1